

BOARD OF SELECTMEN  
SELECTMEN MEETING  
TUESDAY, SEPTEMBER 8, 2009 - 7:30 P.M.  
SELECTMEN MEETING ROOM  
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Meeting came to order at 7:30 p.m. with Selectmen John H. Bruno II, Troy E. Garron and Michael J. Schleiff present.

The following business was discussed:

**AGENDA**

The Agenda for Tuesday, September 8<sup>th</sup>, was unanimously approved without revision.

**MINUTES**

Moved by Schleiff and seconded by Garron, Board unanimously approved the following Selectmen Minutes:

Selectmen Meeting 07-28-09 - Regular Session  
Selectmen Meeting 07-28-09 - Executive Session  
Selectmen Meeting 08-04-09 - Regular Session  
Selectmen Meeting 08-11-09 - Regular Session  
Selectmen Meeting 09-01-09 - Regular Session  
Selectmen Meeting 09-01-09 - Executive Session

**ABATEMENTS/BILLS/COMMITMENTS/WARRANTS**

Moved by Schleiff and seconded by Garron, Board unanimously affirmed committing for collection Ambulance Commitment #8-A in the amount of \$16,044.00

Moved by Schleiff and seconded by Garron, Board unanimously affirmed approval for the payment of the following warrants:

Payroll Warrant	#14	FOR	\$171,832.33
Vendor Warrant	#15	FOR	\$251,829.64
Withholding Warrant	#16	FOR	\$ 57,649.38
Vendor Warrant	#17	FOR	\$188,556.91
Payroll Warrant	#18	FOR	\$167,387.03
Vendor Warrant	#19	FOR	\$ 35,700.49
Withholding Warrant	#20	FOR	\$ 57,018.92

Moved by Schleiff and seconded by Garron, Board unanimously affirmed approval for the payment of the following Selectmen bills:

W. B. Mason (office machine supplies) .....	\$ 472.35
Land Planning (inspect and report - Earth Removal/Bowles) ...	\$1,665.00
National Grid (Town Hall/Aug) .....	\$ 419.30
Constellation New Energy (Town Hall/Aug) .....	\$ 799.46
Lycott Environmental (Monponsett Lakes algae) .....	\$ 300.00
Deutsch Williams Brooks (legal services/Jul) .....	\$2,330.25

Moved by Schleiff and seconded by Garron, Board unanimously committed for collection Mobile Home Park License Fee #09 in the amount of \$5,160.00

Moved by Schleiff and seconded by Garron, Board unanimously approved payment of Vendor Warrant #21 in the amount of \$136,447.32

Moved by Schleiff and seconded by Garron, Board unanimously approved payment of the following Selectmen bills:

Spinale and Spinale (legal services/Aug) .....	\$3,050.00
Gilman and Associates (legal services/Aug) .....	\$ 327.47
Matthew Bender (law books) .....	\$ 134.46
Comcast (internet/Sep) .....	\$ 62.95

Board acknowledged payment of the Selectmen Office Payroll for the period ending August 15, 2009 in the amount of \$5,655.57 and for the period ending August 29, 2009 in the amount of \$5,086.79

Board acknowledged Payment to the Treasurer #10-06 in the amount of \$44.00

**GENERAL MAIL BUSINESS**

A. Road Cut - Bay State Gas/Lawrence Road

Moved by Garron and seconded by Schleiff, Board unanimously affirmed approval of Permit #2010-11 issued on August 25, 2009 to Bay State Gas Company for a 3 x 6' x 3' deep road cut to do maintenance repair and corrosion control at 37 Lawrence Road, contingent upon the issuance of a Trench Permit by the Building Inspector.

B. Long Term Trailer Permit - Hatch/Holmes Street

Moved by Bruno and seconded by Garron, Board affirmed its approval on August 24, 2009 to extend the trailer permit issued to David Hatch for property located on 435 Holmes Street (extension begins August 24<sup>th</sup> and

expires on September 24<sup>th</sup>). Selectman Schleiff abstained from voting as he was not on the Board when the permit was issued by the Selectmen.

C. Abatements - Ambulance Accounts

The Board discussed a request from the Town Collector to abate outstanding balances in the 2001 and 2002 ambulance accounts. In addition, Seelig stated the Collector would like to give a one-time 50% off offer to outstanding ambulance accounts for 2003 forward. Bruno questioned whether or not the Selectmen had the authority to authorize such action. While Seelig pointed out the Board could abate the 50% not paid, Bruno was reluctant to do so unless he had confirmation on the Board's authority. Seelig will check with Town Counsel as to whether or not the Selectmen have the authority to offer amnesty for long overdue ambulance bills and allow people to pay 50% of what they owe.

With regard to the 2001 and 2002 accounts, Schleiff felt the Town should make the same 50% offer. Bruno and Garron felt the outstanding balances could not be collected at this point and that all avenues to do so had been exhausted.

Moved by Garron and seconded by Bruno, Board voted as follows to abate \$102,027 from the 2001 ambulance account:

John H. Bruno II	-	Yes
Troy E. Garron	-	Yes
Michael J. Schleiff	-	Abstained

Motion passed by a 2/3 vote.

Moved by Garron and seconded by Bruno, Board unanimously abated \$697.28 from the 2002 ambulance account.

D. Lakes - Algae Remediation Contract

Schleiff did not want to hold up the contract, noting there was a lot of information to review on this issue. Bruno said the Town needs to address the problem. Town Meeting has approved the funding, and Lycott is very aware of the issues involved in managing the Monponsett Lakes. He had no reservations awarding the contract to Lycott. Garron concurred and said managing the lakes has been an issue for a long time.

Schleiff said there are a lot of issues but covering it does not solve the problem. Garron stated the Town has written to its legislators and the Town of Hanson in the past. The problem is caused in part by septic systems,

run-off from roadways, etc. and fertilizers used on bogs. The Town is trying to deal with the various issues in hopes to solve the larger problem. Bruno said the Town has had some success on the problems that can be managed. The algae problem is fairly new.

Moved by Garron and seconded by Bruno, Board voted as follows to approve the contract between the Town and Lycott Environmental for the remediation of algae in the Monponsett Lakes:

John H. Bruno II	-	Yes
Troy E. Garron	-	Yes
Michael J. Schleiff	-	Abstained

Motion passed by a 2/3 vote.

E. Financial Audits

Moved by Garron and seconded by Bruno, Board unanimously authorized the Chairman to sign the contract between the Town and Malloy, Lunch, Bienvenue to audit the Town's Financial Statements for Fiscal Years 2009, 2010, and 2011. The Town Accountant was present and asked if bids had been solicited. Seelig said the Selectmen had decided last spring to continue with the same auditing firm used in the past.

F. OCPC Regional Procurement

OCPC is looking at the possibility of regional procurement through its agency. Garron noted the County Commissioners offer similar programs. Per recommendation from Garron, moved by Schleiff and seconded by Garron, Board unanimously took the matter under advisement until Garron reports on a regionalization meeting he will attend on Thursday.

G. Private Craft Show - Use of Town Green

The Board discussed a request to rent the Town Green by a private entity to hold a "for-profit" craft show. Traditionally, the Town Green is used for civic events and town organizations and the Selectmen felt it should continue to be used on that basis. Moved by Bruno and seconded by Garron, Board unanimously voted to write to the individual stating the Town Green is not available for this type of event.

H. Historical Commission Vacancies

The Board instructed Seelig to schedule interviews with the two applicants interested in filling the two vacancies on the Historical Commission.

I. Resignation - Canniff / Library Trustee

The Board acknowledged the resignation of Kelli A. Canniff from the Holmes Public Library Board of Trustees.

J. Veterans Agent

The Board acknowledged notification from Veterans Agent Roxanne Whitbeck that, due to another commitment, she must finish her service in Halifax as of November 1<sup>st</sup>. Per instruction from Bruno, the Selectmen will be given copies of the resumes and interviews conducted at the time Whitbeck was appointed. Seelig will ascertain if those interviewed are still interested in the position.

**CROSSWALK SAFETY**

The Board met with Highway Surveyor Robert Badore, Fire Chief William Carrico, Fire Captain Henry Bosworth and Police Chief Michael Manoogian to discuss options for improving safety at the crosswalks. While the Elementary School administration was invited to attend; no one was present from the school. Also in attendance was resident Marc Valentine. Bruno gave a brief synopsis of action to date (painting crosswalks, signage, etc.) since the recent accident in which a small child was killed in the crosswalk at the post office.

Manoogian stated that State Law changed a number of years ago. Instead of “stopping,” motorists are now required to “yield” and someone must be “in the crosswalk” to activate the yield. He believed education is the key because he felt that neither adults nor children know how to use the crosswalk. Most people stand on the side of the road. There is an educational program for adults and children that reiterates the person must be off the curb, look left, then right, then left again and make sure the driver sees them and is yielding before proceeding further into the crosswalk. There are a number of crosswalks in town, and the Police Department has conducted a “sting” whereby a decoy was sent out to cross in the crosswalk. If a driver failed to yield, the officer pulled them over to educate them on the State law. Even if a red light were put at the crosswalks, Manoogian felt this would not solve the problem if the individual did not wait to make sure the driver stopped.

Manoogian said the Department no longer has a safety officer at the school due to budget constraints. He has talked with the Principal and she may be able to arrange a day or two for crosswalk education. This needs to be repeated on a regular basis.

Garron noted that, in some states, the driver has to stop when a person is standing on the curb. If someone crosses outside the crosswalk, they are ticketed. He

opined the law needs to be changed so that stopping is required when someone is standing in front of the crosswalk on the curb. He felt it was dangerous to require the person stand off the curb in the road. Manoogian said he has seen people standing by a crosswalk when they had no intention of crossing the road. While other mechanisms (such as lights, etc.) are helpful, educating the "crosser" is imperative.

Schleiff stated the best people to provide the education is the school. He asked if the Board had to send a letter to the School Committee asking for the time to educate the children and parents. Manoogian said that is a captive audience and only about ten to fifteen minutes is needed. He believed the school would be receptive to it, but noted it will take time to get the program up and running and funding will be needed to provide the officer for a few hours. Garron suggested asking the State if they have videos on crosswalk safety that the school could show. Manoogian said there may be some available but noted that the law is not specific in telling someone how and when to cross or in telling a driver when to stop. The law needs to specifically delineate everyone's responsibilities.

Carrico agreed with the Police Chief that it starts with education on using the crosswalk, and the Fire Department can provide some of that through its programs. Walmart has offered money to address issues with the crosswalks. Bosworth has researched alternatives that are available. In addition, a Traffic Safety Committee should be formed to look into the various components involved. While enforcement is one component, passing and speed zones near crosswalks is another. For example, the passing lane near the post office should be re-stripped so that passing is prohibited within a certain range on either side of the post office.

Bosworth said a Traffic Safety Committee could look at suggestions and make recommendations. He had researched and provided information last meeting on in-road signaling devices. Research showed accidents are reduced by 80% if crosswalks are brightly painted, there is in-road signage and there are crossing guards at schools. Improvements could be made in stages. Walmart is interested in helping. Before going forward, it will need to be determined if pre-approval is needed from MassHighway or if the Town can move ahead on its own. He felt enough traffic studies must already be in place. Bosworth recommended eliminating the passing zones in front of the Police Station and the junction of Indian Path Road. In addition, he has spoken with the Elementary School Principal about sending home flyers, showing videos and having a poster contest to raise awareness.

Badore believed changing passing zones had to go through MassHighway, but noted that resident Marc Valentine was looking into it. Valentine said he asked MassHighway who had jurisdiction and by whose authority. Jurisdiction is the Town's and the authority is the Uniform Code. He pointed out that Halifax is the only town in the county with a passing zone through its historic district. The

Board can give permission tonight and Highway can paint the lines tomorrow. He has the information showing it is under the Town's jurisdiction and will give it to the Selectmen. Manoogian confirmed that Routes 106, 58 and 36 are State marked roads but not under State jurisdiction.

Bruno felt the best thing to do was to form a Traffic Safety Committee to determine what should be done and what steps have to be taken to accomplish the plan. After a brief discussion, it was determined the Committee should be made up of the Fire Chief, Police Chief and Highway Surveyor (or their designee) as well as a representative from the Elementary School and one or more Citizens At Large. Garron stated the Committee should also look into grant opportunities. Seelig noted that OCPC plans to do a pedestrian study and should begin that work soon.

At this point, the Board instructed Seelig to write to the Town's State Legislators urging them to change the law so that traffic is required to "stop" and not just yield when a pedestrian is waiting to cross at a crosswalk.

Badore asked if he could paint the lines now to create the "no passing" zones. Manoogian felt it should be looked at closer. Garron was not convinced the Town could arbitrarily change it, noting a change in speed limit requires going through MassHighway and it would seem likely a speed zone change would require the same procedure. Seelig will check with Town Counsel as to who has the authority to change a passing zone on Plymouth Street and/or other roads in Town.

The Board postponed establishing the Traffic Study Committee and will discuss the matter on September 22<sup>nd</sup>. In the meantime, anyone interested in serving as an At-Large member should contact the Selectmen's office.

### **RECYCLING FEE**

The Board met with Highway Surveyor Robert Badore and Recycling Administrative Assistant Susan Johnston to determine the Recycling Fee for Fiscal 2010.

Bruno stated that, two years ago, the Town authorized an annual recycling fee beginning in Fiscal 2009 because the money for the program was reaching depletion. The fee was set at \$50/household for Fiscal 2009. Bruno asked Badore and Johnston for input on keeping the fee at that amount for Fiscal 2010. Badore said that 91% paid the fee. The money left after all expenses are paid goes back into the Solid Waste Account to offset unexpected costs and the future purchase of a recycling truck. It can also be used to stabilize the fee over a longer period.

Johnston said the only revenue for the program is from the fee. The sale of commodities netted a small amount of money - about \$7,000. In response to a question on the expenses versus revenue, Johnston said the Town was in the black because of the fee.

Bruno asked for their view on the amount of the fee - should it stay the same or reduce it. Badore recommended keeping it the same for at least another year. Johnston said that recycling has increased dramatically because people who did not recycle are now doing so because they are paying a fee.

Schleiff asked how much was left in the retained earnings account. Johnston did not have that information. Schleiff said it was explained to him that if we did not implement this fee we would have run out of funds. It was the \$50 fee that kept that from disappearing. Town Accountant Sandra Nolan was present and said that she did not have the figure with her. Smith said she had emailed Schleiff the breakdown of what was available and when the funds would run out if another funding source was not found. By putting the fee in, it held the amount of money in the account and added a small amount to it for future capital expenses. Schleiff had not received the information. Smith left to get the information.

Schleiff asked if Bag and Tag was a different fund. Johnston said everything comes out of the Enterprise account. The bag program pays for itself. Bulky waste pays for itself. Recycling does not. Nolan said that everything for solid waste comes out of the enterprise fund and the money collected goes back into the account. Schleiff noted that the budget shows 75% of Johnston's salary is for recycling. Johnston said that she spends little time on the Bag program and most of it is spent on recycling.

Schleiff noted that certain items are not separated at the Center such as a separate container for aluminum gutters, etc. Johnston said the site is 75% building and 25% land and there is no more room at the current location to put in another container. This restricts the number of commodities. Schleiff said so we are not utilizing the price of metals the way we can because of the space down there. Johnston said yes. In addition, manpower is limited to pick everything apart. Schleiff said there is nothing to pick apart for aluminum gutters. Johnson said it is getting that person to have time to put it in the right spot. Schleiff said it is not labor intensive to put aluminum gutters in the right spot. As someone in the metal business, he understands the value of different metals and that would be one way to increase the revenues for metals. Garron asked what the haul fee is for the metal container. Johnston said it is \$165 a haul and contains about 3-1/2 tons for which the Town received \$317. While pick-up is free, there is a per tire fee for disposal.

Bruno said the fee was answered by Town meeting two years ago. It was decided that a fee should offset the cost of recycling. The only issue remaining is to set the amount - the same or different from last year. This fee was instituted by the

town meeting - not the Selectmen and not the recycling department. An ad hoc committee studied the solid waste programs and the funding available and made a recommendation that funding for the recycling aspect of the program must be found for the program to continue.

Schleiff did not want to see the fee go up if adjustments could offset the cost. Also, he wanted to know if the \$50 fee was excessive or not enough given it was the first time using it. He wanted to determine if the fee is correct based on current information and not based on information available at the time the committee studied it and estimated the costs a year ago. He wanted to know the balance in the solid waste account before setting the fee.

Garron noted when the fee was passed the balance was \$175,000. Smith said what was explained to the Committee by the previous Town Accountant is that you have to go back to the previous for the certified figure. She provided the Board with the breakdown of where the fund stood when the fee was being considered (copy attached hereto for easy reference). The amount in the fund would have been sufficient to get through Fiscal 2008 but would fall short by \$82,000 if the fee were not put in place. With the fee, the balance in the account would be available to fund municipal trash and pay for the audit, and the small amount left from the fee after the expenses for the recycling and household hazardous waste programs were deducted would pay for unforeseen and future capital expenses for the recycling program. It would stop draining the amount in the account that was not being reimbursed.

Schleiff noted that, according to a report from the Town Accountant, the recycling expenses for Fiscal 2009 were \$98,865 and revenues from the fee were approximately \$138,000, leaving a balance of about \$39,000. Looking at what was left over in the fund, he noted the fund was up considerably more than that - \$96,000. Garron said that is not what he is looking at. Schleiff said he is looking at the solid waste revenues just from the fees minus expenses and the difference is about \$39,000. When he looks at the recap sheet from the Committee, it shows an estimated fund balance of \$196,846 as of 7/1/08 and then adding \$39,000 puts it up much higher. Smith stated the \$196,846 balance included monies collected from the fee if the fee were put in place. It was estimated the fund would increase by \$21,000. The fund balance as of 7/1/07 is shown as \$175,237, with the resulting increase of \$21,609 leaving a new estimated balance of \$196,846 for Fiscal 2010.

Schleiff noted the increase was actually about \$39,000. Smith said budget versus actual expenses in Fiscal 2009 show a large savings in hazardous waste as well as savings in other areas. Revenues were slightly higher because the number of households was slightly higher. The increase to the fund balance is the result of great fiscal management by the recycling department.

Johnston said that some of the savings in hazardous waste was the result of finding less expensive ways of disposing of paint. However, she noted it was difficult to predict what the Town will receive from households with regard to hazardous waste in any given year.

Bruno said the question is what figure does the Board wish to set for the fee. Garron said \$50. Schleiff said \$40, noting the \$39,000 equated to about \$13 per household in additional revenue. By setting the fee at \$40, this would result in only \$3 additional revenue over the actual cost. He wanted to set the fee a little closer to what the figures were showing were the actual costs but leave a small buffer for unforeseen expenses. Garron noted the fee has only been in place for one year and felt that was too short a time frame to set the benchmark at this time. Schleiff thought the fee had been in place for two years. The Board noted it had only been the last fiscal year. Schleiff stated he knows there is money left in the account which he does not seem to be able to get a number on which is in addition to the \$39,000 just added by the program.

Bruno noted that Badore had recommended \$50 but asked if he or Johnston had a view on \$40 versus \$50. Neither had anything to add to what had already been discussed.

Moved by Garron and seconded by Bruno, Board voted as follows to set the Recycling Fee for Fiscal 2010 at \$50 per household:

John H. Bruno II	-	Yes
Troy E. Garron	-	Yes
Michael J. Schleiff	-	Opposed

Motion passed by a 2/3 vote.

Bruno said he agreed with Garron that one year was too short a time to evaluate whether to reduce the fee at this point.

Moved by Bruno and seconded by Garron, Board unanimously committed for collection the Fiscal 2010 Recycling Fee at a rate of \$50.00 per household for a total of \$152,150.00

The Board will review the program costs early on in Fiscal 2011 to determine if it should be changed for that fiscal year.

### **EARTH REMOVAL PERMIT - TODD ROACH/HOLMES STREET**

The Board met with Joseph Arruda of Bridgewater-Raynham Sand & Stone (BRSS) to see if the outstanding issues involved in the Earth Removal Permit application from Todd Roach for property located at 303 Holmes Street could be

resolved. The Board had received the landscape plan, a \$30,000 bond issued to BRSS, and a list of changes BRSS was requesting to the permit approved but not yet issued by the Board. It was noted that abutters had been notified of the meeting. Town Engineer Bernie Munro and abutter Richard Merry were present.

Arruda said his company was hired by the contractor who was working with Roach on this project to clear the land. The contractor was to get all the permits necessary. Since the material was sand and BRSS had use for the material, BRSS's goal was to offset the cost of clearing the land and putting back shrubs by taking the sand from the site. There is no money being exchanged on this project. The goal of the homeowner was to increase the yard. Since that time, things have changed for the family and Arruda has been told they want to wash their hands of the project. BRSS is a company that is well established in the neighboring town of Bridgewater and Arruda did not want to give up on the project without first coming to the Board to see if a solution were possible.

In response to questions from Garron, Arruda said the property is owned by the Roach family and he has permission from Todd Roach to enter onto the property, although there is no formal letter stating to that fact. Garron stated the Board has to ensure that BRSS has the legal right to go onto the land. Arruda was confident he would get a letter from Roach.

Arruda said his company has no obligation to the project but did not want to leave the property in its present condition. Since it was his machines doing the work, he felt an obligation to the neighbors to finish it. He hoped that something could be worked out to resolve the outstanding issues so that the permit could be issued and the project completed.

Garron noted that the permit application came from Roach who was not present. He was not comfortable moving forward without written permission from Roach. Bruno noted that could be one of the conditions placed on the permit - written permission allowing BRSS to go onto the property.

Arruda had sent a list of changes he was requesting in the permit as it was now written. Munro had reviewed the requested changes and had provided his input for the Board. Following is a summary of discussion:

- Permit expiration date to be changed to December 31, 2009.
- BRSS request that all stumps from site be disposed on the slope was rejected because it was in violation of the Town's by-law.
- BRSS request to reduce the buffer zone from 50-feet to 25-feet was rejected because it is a violation of the Town's by-law. In addition, if the 50' buffer has been disturbed it must be restored with the final grading with trees, loam & seed with the upper portion can use wood chips or grinding chips

for stabilization and the lower area using loam & subsoil. The 50' buffer shall be marked with schedule 40 two inch PVC piping marking limit of excavation also stake out septic area is required for protection during removal.

- BRSS cannot be responsible for trees or brushes that die. Arruda said the value of the material being pulled off the site is less than the value of the material going back in. Munro noted this is private property and it is the responsibility of the property owner to maintain.
- BRSS request for 2-1 sloping was denied.
- Under Condition (J), excavating to a lower elevation than required by the plan could result in a \$100 per cubic foot fine. Since there is no money in this project for BRSS, Arruda said he cannot subject his company to this fine. Munro recommended the Board delete the fine of \$100 per cu ft and use the penalty under by-law 144-2-G for any fines required.
- BRSS requested hours of operation of 7:30 a.m. to 4:30 p.m. (currently set for 8-5). Munro stated this is industry standard.
- BRSS asked the requirement for temporary fencing be deleted. Munro felt the temporary fencing was not necessary if 3-1 sloping is maintained and the schedule 40 piping installed as required.
- With regard to the private way, BRSS was willing to repair any damage caused by their vehicles but did not want to be responsible for the existing poor condition or replacing the entire driveway.
- Arruda asked if the twenty-five cent permit fee could be applied against the outstanding engineering bills.

At this point, Garron noted that Arruda did not want to pay any fines or repair the road and wanted the permit fee applied to the outstanding bills which were usually paid in addition to the fee. Garron would need permission from the property owner to allow anything to be done at this point. Arruda said he was aware that some of the neighbors are upset and his company was a part of the project. The economy is poor and there is less material coming off the site to offset the cost of completing the work. Requiring the driveway be replaced, trees be planted and payment of 25-cents per cubic yard on top of the outstanding bills makes the project un-doable for BRSS.

Bruno concurred with Garron that the question exists as to whether or not Roach will allow BRSS on the property. Arruda said he asked Roach if BRSS could look into rectifying the problem. Roach does not have the money to finish the project which is why Arruda came tonight requesting changes that would allow

them to finish the project to a standard that would make both the Town and the neighbors happy.

In response to a question from Schleiff, Arruda said he is not representing Roach; he is representing BRSS. He has permission from Roach to see if he can resolve the problem. The bond would be between BRSS and the Town. There is no reason for BRSS to rectify the situation except their name is on the project.

Bruno asked who the permit would be issued to. Munro said it would be the property owner who would turn it over to the contractor. The bond would be between the contractor and the Town.

Abutter Rick Merry said the entire project can be cleaned up without taking any material out. From the beginning, he just wanted the people doing the work and the homeowner to meet with him and they "blew him off." He is at a point where he does not want to deal with those involved. When all is said and done, he felt it was going to look like a gravel pit. Bruno believed BRSS would not get involved unless they can remove the material. He asked Merry if he would rather have the property remain in its current state until someone else buys it. Merry said the only reason he wanted the driveway repaved is because of the damage that has already occurred. Just patching it is not sufficient; it would have to be patched and then resurfaced. If they want to use his road for a gravel operation, that is what he wants. It is his road. No one would meet with him, so here we are. Digging out the remaining material will make the property worse. Bruno again asked, assuming BRSS will not just go in and fix it, did Merry want to leave it as it is. Bruno noted there is no physical danger but it is an eyesore. The proposal from BRSS is to finish the project as Roach envisioned it. But they will just not go in and clean it up. Bruno asked what was acceptable in Merry's view - leave the property as is or have BRSS go in and do the work. Merry said you can clean it up without taking material out. Bruno reiterated that may not happen and asked Merry if he understood nothing will change unless a permit is issued to do the work. Merry understood that. Schleiff said if there can be an agreement about fixing the driveway. Merry said that was all he wanted from the start but no one talked to him about it. It is a private road. Roach has a right of way to use the road. Bruno said that BRSS would need permission to use the driveway.

Schleiff asked if the permit fee was reduced to 10-cents would that help to offset the cost of the driveway. Arruda said he never saw any prices or had any measurements for the driveway. It would help toward the repair but the full resurface would be about \$10,000 or more. Arruda can only do what he can do. Bruno again noted that it would stay the way it is and BRSS has no obligation because it is not their property. Schleiff was trying to free up some money from the Town's end to help BRSS to take care of the driveway. Arruda had no problem with committing to fix what they damage. Merry said he talked with Arruda in the beginning and asked him to meet with him and the trucks just kept coming. Merry took exception to being ignored. Schleiff said that usually the

person doing the work would refer any questions or concerns to the owner or the contractor.

Arruda said he did not blow anyone off. He immediately informed the property owner that he had a concerned neighbor. The image being represented is not an accurate one of his company. He is here tonight, has put up a \$30,000 bond and had a landscaping plan drawn as requested by the Board. He did not just throw his hands up and walk away from it. He came as a business owner to rectify what was there. If it not do-able, he gave it my best shot. He did not have to come here. In his opinion, the Roach's did not have a yard, they had a slope. If the work were completed, it would look a lot better than it does now and would have a better resale value. He has presented what he can do. If it pleases them to leave it like that, then he can walk away and hopefully not have people bad mouthing BRSS for something they tried to rectify.

Schleiff noted the biggest issue is the driveway. He suggested taking it under advisement until such time as the parties can agree on this. Bruno stated that authority would also be needed from the landowner. Moved by Schleiff and seconded by Garron, Board unanimously took the mater under advisement until such time as the parties can agree on how to resolve some of the issues involved. The Board will notify abutters if and when the matter comes before the Board again.

Arruda thanked the Board and asked that the permit remain under advisement in the event a new owner can resolve matters with the neighbors. In the meantime, Arruda asked that the bond be returned to him. The Board returned the bond to Arruda.

### **LED COMMUNITY SIGN - KEN CORTI / LIONS CLUB**

The Board met with Ken Corti who proposed replacing the current portable 'Community Signs' with one LED sign to announce community events. The message would be incorporated into a new sign for one of the Town buildings. He provided the Board with a sample of one sign incorporating the Holmes Public Library. The Lions Club would donate the sign; there would be no expense to the Town except for the electricity to run the message which would be changed through an electronic master board. The Lions would work with the Building Committee with regard to placement and set-up. The sign would operate from 6:00 a.m. to 11:00 p.m. He had spoken with the Planning Board and residents in the areas being considered; all were supportive of the plan.

The sign would be easy to maintain and would eliminate the need for Town employees to physically change the message on the three boards currently being used. While LED signs are not allowed in the Historic District, he would seek a

variance from the Town. Before pursuing the matter, he wanted input from the Selectmen on the concept.

The Board was receptive to the idea and discussion ensued on various locations that could be considered.

## **DISCUSSIONS**

### A. Special Town Meeting

Seelig informed the Board that Water Department revenue estimates are off compared to what was budgeted in May requiring that the Water Department budget be reduced or a special town meeting held to make the adjustment. The tax rate cannot be set until this action is taken. In addition, the Principal Assessor has announced she will retire in March 2010. It is imperative that the changeover from the old software to the new software takes place while she is still on board. This change in software was originally planned for Fiscal 2011 and funding was not budgeted at the town meeting last May.

Moved by Bruno and seconded by Garron, Board unanimously voted to schedule a Special Town Meeting on Tuesday, September 29, 2009 at 7:30 p.m. in the Halifax Elementary School. Moved by Bruno and seconded by Garron, Board unanimously voted to open the warrant.

The Board reviewed articles submitted for the warrant. Various Department Heads were present; following is a synopsis of discussion:

- Repair Town Barn Roof .... In response to a question from Schleiff, Seelig said the figure was based on three quotes.
- Quarterly Tax Bill .... Principal Assessor Janyce Whitney suggested postponing this article until next year since her Department will undergo major change this year if the new Assessor's computer software comes on line. The Town Treasurer-Collector had no objection. The Board removed this article from the Warrant and will include it on the May 2010 Annual Meeting Warrant.
- Treasurer Consultant ... Treasurer-Collector Kathleen Shiavone said the money will be used to assist in closing the end of the year and the pre-conversion to SoftRight software. Schleiff noted money had already been spent on consultant fees for closing out and asked if this money will take care of the final consulting that is needed. Shiavone said it would.
- Municipal Software Data Mitigation ... Town Accountant Sandra Nolan said this money is needed for the conversion to the SoftRight program.

Shiavone said she has asked SoftRight to do the Treasurer's office first to coordinate with the Town Accountant. The Collector will be added after that. This money will provide additional training if necessary.

- Assessor's Office Data System ... The system needs to be purchased now in order to have everything in place to do the tax bills next fall.
- Fire Chief Vehicle ... Fire Chief William Carrico said the current vehicle has been in the garage with broken rear suspension and stabilizers. The parts have been on backorder with no delivery date from Ford. Carrico said an article had been submitted for the annual meeting last year but was withdrawn at that time. No equipment for the vehicle is needed since the equipment can be transferred from the current vehicle to the new one. It was noted that the article did not contain language for trading in the current vehicle; Seelig will include the option. It is anticipated that funds will come from reserves.
- Various Articles .... Board noted the following had been submitted without discussion: (a) funds to print and mail the Special Town Meeting Warrant; (b) adjustment to the Reserve Fund; (c) funds for Accountant consultant services; (d) funds to hold the Special Town Meeting (September), State Primary Election (December) and State General Election (January); and (e) adjustments necessary to fund the Fiscal 2010 Water Department budget.

Moved by Bruno and seconded by Garron, Board unanimously voted to place on the Warrant all articles submitted with the exception of the Quarterly Tax Bill which will be held for the Annual Meeting. Moved by Garron and seconded by Bruno, Board unanimously voted to close the Special Town Meeting Warrant.

#### B. Liaison List

The Board postponed discussion on determining liaison assignments.

There being no further business, moved by Garron and seconded by Schleiff, Board unanimously voted to adjourn the meeting at 11:15 p.m.

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Michael J. Schleiff  
Clerk

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